

DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE

MULTIPLE DELIVERY/TASK ORDER CONTRACTS  
JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY (JEFO)

I recommend that the U.S. DEPARTMENT OF THE TREASURY use limited awardees for the acquisition of the following supplies or services available under an indefinite-delivery contract. If this acquisition is to be made with only one awardee or a limited number of awardees, negotiations will be conducted with the indicated proposed supplier(s) in accordance with FAR 16.505 (b)(2)(ii)(B):

1. DESCRIPTION OF SUPPLIES OR SERVICES

The Office of Financial Stability (OFS) needs to purchase expertise in the areas of funding support, and asset management and disposition activities for OFS housing and non-housing related programs. The activities relate to transactions such as, but not limited to, collateral paydowns, expense reimbursement, ad-hoc fundings, housing program fundings, dividend payments, initial public offerings, and exchanges on a follow-on basis for a period not to exceed one (1) year. The period of performance will be from June 10, 2014 – June 9, 2015.

2. REQUISITION NO.

14PR-OFS-067

4. NAME(S) OF PROPOSED SOURCE(S)

Oculus Group LLC

3. COST ESTIMATE

\$632,991.42

REQUESTING OFFICE CERTIFICATION

I certify that the attached justification is accurate, and contains complete data necessary to support the recommendation for only one or limited awardees justification and approval.

5. REQUESTING OFFICE  
REPRESENTATIVE (Name &  
Title)

(Signature)

(Phone No.)

(Date)

[Redacted Signature]

[Redacted Phone No.]

[Redacted Date]

SMALL BUSINESS CERTIFICATION

I have reviewed the awardee list to locate small businesses for this procurement. If any were found, a list is attached.

6. SMALL BUSINESS  
SPECIALIST  
(Name and Title)

(Signature)

(Phone No.)

(Date)

[Redacted Name and Title]

[Redacted Signature]

[Redacted Phone No.]

PROCUREMENT OFFICE CERTIFICATION

I certify that this submission is accurate, and that it contains complete information necessary to enable Approving Officials to make an informed recommendation for approval or disapproval.

7. ASSIGNED CONTRACTING  
OFFICER (Name)

(Signature)

(Phone No.)

(Date)

[Redacted Name]

[Redacted Signature]

[Redacted Phone No.]

[Redacted Date]

Before requesting this procurement, state one statutory authority for this procurement to be conducted under "exception

to fair opportunity" procedures. Provide narrative justification associated with the respective stated authority in block number 13.

**STATUTORY AUTHORITY EXCEPTIONS (FAR 16.505 (b)(2)(i))**

*(place an "X" in appropriate box and complete the rest of the form)*

- |    |   |
|----|---|
| 8. | FAR 16.505 (b) (2) (i) (A) – Need is so urgent that providing fair opportunity would result in unacceptable delays. N/A   |
| 9. | FAR 16.505 (b) (2) (i) (B) – Only one awardee is capable of providing the supplies/services required at the level of quality required because they are unique or highly specialized; or brand name specification. N/A |

- |     |   |
|-----|---|
| 10. | FAR 16.505 (b) (2) (i) (C) – The order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order. |
|-----|---|

X

- |     |  |
|-----|--|
| 11. | FAR 16.505 (b) (2) (i) (D) – It is necessary to place an order to satisfy a minimum guarantee. N/A |
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- |     |   |
|-----|---|
| 12. | FAR 16.505 (b) (2) (i) (E) – A statute expressly authorizes or requires that the purchase be made from a specified source (for orders exceeding the SAT). N/A |
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**13. JUSTIFICATION (ADD PAGES IF NEEDED)**

**A. DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS OR THE NATURE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED.**

This requirement is follow-on work that was started under TOFS-11-D-0008-001 awarded June 10, 2011 that included a base year and two one year option periods. The original award to Oculus Group LLC was conducted as a small business set-aside in accordance with Section G.5 Ordering procedures contained in the Financial Omnibus Multiple Award Indefinite Delivery Indefinite Quantity (IDIQ) contracts TOFS-11-D-0001 through TOFS-11-D-0009. The estimated follow-on effort is to be continued without interruption or delay. The work needed will not exceed a period of one year.

In the interest of economy and efficiency the follow-on work is identical to the services being performed by the Oculus Group LLC currently. The contractor has the technical, situational awareness and technical expertise as demonstrated under the existing work that has been performed under TOFS-11-D-0008-0001. This expertise includes guidance in the asset management and disposition activities related to unique government assets including, but not limited to, the near-term monitoring of dutch-style auctions of OFS' securities in banks and the initial public offerings of automotive company holdings. These types of transactions have never been performed in the Federal Government until the contractor began working with OFS. Further, the contractor also has formed unique relationships with TARP program representative and other government and non-government stakeholders which have been critical to the success of the current effort.

This exception is justified because procuring the services through another contractor i.e. competition would impose unnecessary costs due to duplication and redundancy and cause excessive lost time that not available to the TARP mission give the current political and strategic environment.

- B. DESCRIBE THE EFFORTS TAKEN TO ENSURE OFFERS WERE SOLICITED FROM ALL MULTIPLE-AWARD CONTRACTORS, INCLUDING WHETHER A FAIR NOTICE OF INTENT TO MAKE A PURCHASE (WITH CLEAR DESCRIPTION OF SUPPLIES/SERVICES AND THE BASIS UPON WHICH THE SELECTION WILL BE MADE) WAS/WILL BE PUBLISHED ON THE AGENCY'S WEB PAGE FOR ALL AWARDEES TO SEE AS REQUIRED BY FAR 16.505(b)(1)(iii)(B)(1). STATE "ALL CONTRACTORS RESPONDING TO THE NOTICE OF FAIR OPPORTUNITY CAN SUBMIT AN OFFER AND HAVE THAT OFFER FAIRLY CONSIDERED."

The Financial Service Omnibus is a multiple award IDIQ contract with nine vendors. This requirement was previously competed amongst the small businesses on the IDIQ. This will be a follow-on task order in order to complete the work started under TOFS-11-D-0008-0001. In the event the TARP program is extended, we will craft an acquisition strategy that maximizes Fair Opportunity in accordance with Section G.5 Ordering Procedures specified in the Financial Omnibus Multiple Award Contracts.

- C. DEMONSTRATION THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE.

The contracting office considers the follow-on pricing in the task order to represent the best value consistent with FAR subpart 15.4. The task order pricing is based on the rates contained in the contractor's multiple award contract TOFS-11-D-0008 which has already been determined to be fair and reasonable.

- D. DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG ALL AWARDEES AND THE RESULTS OF THE RESEARCH (E.G., HISTORICAL ORDERING INFORMATION, LIST AWARDEES THAT EXPRESSED AN INTEREST IN WRITING IN THE ORDER AND THE RESULTS OF THAT INTEREST).

This is a follow-on task order requirement, therefore, no additional market research was conducted. However, market research will be conducted as part of the acquisition planning in the event future asset management and distribution services are needed.

- E. DESCRIBE ANY OTHER FACTS TO SUPPORT THE JUSTIFICATION.

A detailed Performance Work Statement (PWS) and Independent Government Cost Estimate (IGCE) will support the justification.

- F. LIST THE ACTIONS, IF ANY, THAT THE BUREAU WILL TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE EXCEPTION TO FAIR OPPORTUNITY BEFORE ANY SUBSEQUENT ACQUISITIONS FOR SIMILAR SUPPLIES OR SERVICES.

The Office of Treasury Procurement Services (OTPS) intends to competitively award (in accordance with Section G5 Ordering Procedures in contracts TOFS-11-D-0001 through TOFS-11-D-0009) if support continues to be need by OFS beyond one year. OTPS is making a concerted effort to assist OFS in their planning of future requirements.

- G. STATEMENT THAT REQUIREMENT DOES NOT RESULT FROM A LACK OF PLANNING OR THE EXPIRATION OF FUNDS.

This requirement does not result from a lack of planning or the expiration of funds.

### ADDITIONAL APPROVALS

<b>OVER \$650,000</b>	14. BUREAU COMPETITION ADVOCATE <i>(Name &amp; Title)</i>	<input type="checkbox"/> APPROVE  <input type="checkbox"/> DISAPPROVE	<i>(Signature)</i>	<i>(Phone No.)</i>
				<i>(Date)</i>
<b>OVER \$12.5 MILLION</b>	15. BUREAU HEAD OR SENIOR EXECUTIVE SERVICE DESIGNEE <i>(Name &amp; Title)</i>	<input type="checkbox"/> APPROVE  <input type="checkbox"/> DISAPPROVE	<i>(Signature)</i>	<i>(Phone No.)</i>
				<i>(Date)</i>
<b>OVER \$62.5 MILLION</b>	16. SENIOR PROCUREMENT EXECUTIVE <i>(Name &amp; Title)</i>	<input type="checkbox"/> APPROVE  <input type="checkbox"/> DISAPPROVE	<i>(Signature)</i>	<i>(Phone No.)</i>
				<i>(Date)</i>
<p><b>NOTE:</b> Each review must be preceded by lower level approval(s), e.g., over \$62.5 million all approvals are required. <b>IN NO CASE WILL AN INDIVIDUAL SIGN MORE THAN ONE APPROVAL LEVEL.</b></p>				